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Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Lawyers' Rights Watch Canada, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14338(E)
1814338

Please recycle

Saudi Arabia: Persistent gross, widespread and systematic violations of human rights while a member of the UN Human Rights Council**

I. Saudi Arabia's Council membership undermines human rights

UN bodies and experts have documented gross, widespread and systematic violations of human rights by the Kingdom of Saudi Arabia throughout its membership on the Council since January 2014. Violations include arbitrary detention, denial of due process and fair trials, torture and ill-treatment, violation of rights of women and children, and violations of international humanitarian law. Saudi Arabia systematically targets human rights defenders (defenders) including reprisals against defenders seeking to cooperate with UN bodies.[1]

Saudi Arabia has failed to "uphold the highest standards in the promotion and protection of human rights," and to "fully cooperate with the Council,"[2] including persistent disregard of recommendations of UN Treaty Bodies, Universal Periodic Reviews (UPR) and Special Procedures. The Council's authority is undermined by Saudi Arabia's continued membership in the face of its gross, unremedied and persistent violations of fundamental human rights.[3]

LRWC and GCHR request the Council to recommend that the General Assembly (GA):

a. Suspend Saudi Arabia's Council membership pursuant to Resolution 60/251, Article 8;
b. In consultation with civil society,[4] adopt election reform, nominee pledges and procedures for monitoring and suspension of members necessary to ensure that Council membership complies with Resolution 60/251, Article 9.

II. Saudi Arabia's international human rights obligations

As a UN member, Saudi Arabia is obligated to uphold the UN Charter, the Universal Declaration on Human Rights (UDHR) and other international law, including:

> the absolute prohibition of torture, the prohibition of the arbitrary deprivation of the right to life and of the prohibition of arbitrary deprivation of liberty, the fundamental principles of fair trial and due process, including the presumption of innocence and the principle of non-discrimination. These rights form part of customary international law. They are proclaimed in the Universal Declaration of Human Rights (UDHR) and are norms of *jus cogens* (peremptory norms of international law) from which no derogations are permissible.[5]

Saudi Arabia is a State Party to the:

- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT),
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which guarantees rights of everyone, without discrimination, to equality before the law in the enjoyment of rights to expression, peaceful assembly and association (Article 5);
- Convention on the Rights of the Child (CRC), and its Optional Protocols on the sale of children (OP-CRC-SC) and on children and armed conflict (OP-CRC-AC);
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- Geneva Conventions (GC) I through IV and Additional Protocols (AP) I and II;
- Arab Charter on Human Rights, which reaffirms the provisions of the UN Charter, UDHR, and the UN International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

Saudi Arabia participated in the adoption by consensus of the 1999 UN GA Declaration on Human Rights Defenders,[6] and did not oppose 2016 Council and GA resolutions calling for protection of defenders from threats including judicial harassment and arbitrary detention.[7]

III. Saudi Arabia's pattern of gross and systematic violations of human rights

Saudi Arabia has persisted in the widespread and systematic arbitrary arrests and detentions of defenders. It routinely uses overbroad charges, together with unfair trials, and denial of due process to arbitrarily imprison defenders for peacefully exercising internationally protected rights to expression, association and assembly for purposes of legitimate human rights advocacy.

A. Arbitrary detention of human rights defenders: Violation of fair trial rights

Since September 2017, dozens of defenders have been arbitrarily detained, joining an estimated 100 already wrongly imprisoned.[8]

The UN Working Group on Arbitrary Detention (WGAD) has issued dozens of opinions recommending immediate release and compensation for arbitrarily detained defenders.[9] In 2015 the WGAD concluded that the imprisonment of nine defenders violated the UDHR (articles 9, 10, 19 and 20), and was arbitrary and recommended immediate release and compensation as the adequate remedy in each case.[10]

In 2013 UPR recommendations[11] included concerns about Saudi Arabia's use of criminal laws and procedures that violate the UDHR and UNCAT including judicially sanctioned corporal punishment. Many states recommended that Saudi Arabia amend penal laws to comply with international law obligations.[12] The 2009 UPR included recommendations that Saudi Arabia abolish corporal punishment, and other torture and ill-treatment, such as "public floggings, eye gouging, flogging of school children, and amputation of limbs in particular."[13] Saudi Arabia has not complied with these recommendations.

In 2014, the UN Special Rapporteur (SR) report on human rights and counter-terrorism concluded that *Penal Law for Crimes of Terrorism and its Financing* "fails to comply with international human rights standards of legal certainty," and "strongly condemns use of counter terrorism legislation with penal sanctions against individuals peacefully exercising their rights to freedom of expression, as well as freedom of … belief and freedom of peaceful association and assembly."[14] The SR found that Saudi Arabia's judiciary lacks independence and impartiality and the Specialised Criminal Courts fail to ensure fair trials or habeas corpus and allow secret trials without defence lawyers and trials *in absentia* with no effective defence.[15]

Former UN High Commissioner for Human Rights (HCHR) Navi Pillay denounced the continuing use of overbroad counter-terrorism legislation to imprison defenders, stating, "[p]roceedings against human rights defenders in the Specialised Penal Court, as well as in other courts in Saudi Arabia, have fallen short of international fair trial standards."[16]

On 2 January 2018, five UN experts decried Saudi Arabia's persistent use of anti-terror laws to persecute peaceful activists and noted that repeated calls for reform from Council remained unheeded.[17]

B. Torture and ill-treatment

The WGAD has found that numerous detained persons have been tortured and ill-treated.[18] The SR on counter-terrorism and human rights concluded that Saudi Arabia's "theoretical" legal protections against torture are "illusory," noting that despite more than 3,000 formal allegations of torture or ill-treatment between 2009 and 2015, there have been no prosecutions of those responsible.[19] The 2016 Concluding Observations of the UN Committee Against Torture (CAT) expressed deep concern about numerous reports of torture or ill-treatment in detention and called for an end to torture by public flogging, limb amputations, and beheading.[20] Despite these recommendations, a defender was arrested on 6 July 2018 and detained incommunicado after filing a formal complaint of torture.[21] A woman arbitrarily detained since December 2015 for participating in peaceful protests could face beheading after the prosecutor recommended the death penalty in August 2018.[22]

C. Women's rights

Saudi Arabia has persistently declined to implement CEDAW recommendations.[23] Instead of implementing CEDAW's March 2018 recommendations to refrain from reprisals against women defenders, Saudi Arabia recently arrested and detained more than 20 women defenders[24] and ignored the request of nine SRs to free them.[25]

D. Children's rights

Saudi Arabia has rejected or ignored UPR recommendations[26] and Concluding Observations of the CRC Committee[27] including to:

- End life imprisonment and execution of juvenile offenders, including death sentences for children participating in peaceful demonstrations;
- End torture and ill-treatment of children including coerced confessions; and
- Ensure legal representation for children.

E. Violations of international humanitarian law

Concerns about Saudi Arabia's grave violation of international humanitarian law in the armed conflict in Yemen were raised by the CRC Committee in 2016,[28] the Office of the High Commissioner for Human Rights (OHCHR) in 2017[29] and 2018,[30] and the UN Secretary General who said Yemen was experiencing the worse humanitarian crisis in the world with over 22 million in need of humanitarian assistance.[31]

The OHCHR concluded that the majority (over 61%) of civilian conflict-caused casualties were caused by air strikes by the Saudi-led coalition.[32] Fifty-one people including 40 children were killed by the Saudi Arabia-led coalition bombing of a bus and market on 9 August 2018.[33] The OHCHR documented 6,385 civilians killed and more than 10,000 civilians wounded between March 2015 and May 2018.[34] At the Council's 36th session, a Group of Eminent Experts on Yemen was created, which 55 international NGOs say must be renewed and improved through "enhancement of its reporting structure and strengthening language on accountability."[35]

IV. Recommendations

LRWC and GCHR ask Council to:

c. Recommend to the GA that Saudi Arabia be suspended from the Council pursuant to Resolution 60/251, Article 8;
d. In consultation with civil society, adopt election reform, nominee pledges and procedures for monitoring and suspension of members necessary to ensure that Council membership complies with Resolution 60/251, Article 9;
e. Enhance the reporting structure of the Group of Eminent Experts on Yemen to include comprehensive investigations of violations of international human rights and humanitarian law by Saudi Arabia in Yemen.

*Footnotes in this report are numbered but omitted. A fully footnoted version of this report is found at https://www.lrwc.org/?p=13350.

**Gulf Centre for Human Rights (GCHR), NGO without consultative status, also shares the views expressed in this statement.

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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Indian Movement "Tupaj Amaru", International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Myanmar: The Continued Struggle of Rohingya for Citizenship**

Background

Human rights violations in the Republic of the Union of Myanmar have been persistent ever since the beginning of the civil war in 1948. The conflict resulted in numerous civilian casualties and deaths, refugee crisis, and destruction of infrastructure including towns and villages. The continued conflict between the government and the ethnic groups indefinitely violated the international humanitarian law and human rights law after the end of the British Colonial rule. Mass atrocities have been committed such as rape and sexual violence, enforced disappearances, forced displacement, human trafficking and forced labor, and recruitment of child soldiers to name a few. The access to humanitarian aid has also been limited and various attempts to have ceasefire went in vain.

Myanmar hosts around 135 ethnic minorities, and most of the ethnic and religious minorities have faced gross and systematic human rights violations in Myanmar. And, Rohingya being one of the ethnic minorities of one million is the most victimized minority in the Rakhine State of Myanmar. The main cause for this is the Myanmar government does not recognize them as citizens of Myanmar, and have denied them nationality. The discrimination is based on their ethnicity, cultural and religious background. As a result, grave human rights violations have been committed against the Rohingya population leading to mass displacement.

The Memorandum of Understanding (MoU) between Myanmar and UN agencies

In January 2018, the governments of Bangladesh and Myanmar signed an agreement to allow the physical repatriation of Rohingya Refugees that fled to Bangladesh after the violence broke out against the Rohingya in the Rakhine State of Myanmar. The agreement states that five transit camps would be set up by Bangladesh on the side of its border and the Rohingya would be sent to two receptions in Myanmar. However, this agreement fails to look at the grave human rights abuses and accountability of the perpetrators without which the reparation would be meaningless.

In June 2018, the Tripartite agreement between the government of Myanmar and two United Nations agencies - United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Programme (UNDP) - is entered to "establish a framework for cooperation aimed at creating the conditions conducive to the voluntary, safe, dignified and sustainable repatriation of Rohingya refugees to their places of origin or of their choosing."[1]

The agreement affirms the commitment of the government of Myanmar to work with UNHCR and UNDP to find a solution for the Rohingya refugee crisis with accordance to the recommendations provided by the Advisory Commission of Rakhine State. The recommendations include granting of citizenships, and ensuring free movement of people without any discrimination based on religion, ethnicity, or citizenship status. The agreement enables the UN agencies to assess the conditions of the refugees and make decisions on voluntary return.

Continued Struggle for Citizenship

Despite the MoU and the agreement between Myanmar and Bangladesh, the Rohingya have not returned to Myanmar. The government of Myanmar has failed to dismantle any discriminatory laws, policies and practices against the Rohingya which makes it hard or rather impossible for the refugees to return to their homes in the near future, as mentioned by the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee.

As mentioned in the oral update by the High Commissioner in 2018, not a single refugee has returned to their own homes, even the ones that returned under the framework of the UoM tripartite agreement have been detained.

The most challenging problem for the Rohingya is that of Citizenship Status. Today, the Rohingya are the biggest community of stateless people in the world.[2] The 1982 Burmese Citizenship Law provides citizenship based on

[1] Refugees, United. "UNHCR and UNDP agree on text of MoU with Myanmar to support the creation of conditions for the return of Rohingya refugees". *UNHCR*, 2018. Available: http://www.unhcr.org/news/press/2018/5/5b0fff7b4/unhcr-undp-agree-text-mou-myanmar-support-creation-conditions-return-rohingya.html.

[2] McPherson, Poppy, and Zeba Siddiqui. "Secret U.N.-Myanmar deal on Rohingya offers no guarantees on...". *U.S.*, 2018. Online. Internet. 10 Aug. 2018. . Available: https://www.reuters.com/article/us-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUSKBN1JP2PF.

ethnicity which recognized 135 ethnic groups excluding the Rohingya, thus, gravely violating their fundamental rights and freedoms including restriction on their right to freedom of movement, limits on access to lifesaving health care and denial of the rights to education and equal employment opportunities. In 1989, during the process of citizenship inspection in Myanmar, National Registration Cards (NRCs) were replaced with Citizenship Scrutiny Cards (CSCs) to those who met the new requirements. Most of the Muslims in the Rakhine State who gave up their NRCs did not receive their CSCs. However, in 1995, the Muslims who did not have their national documents were provided with Temporary Residency Card (TRCs) or White Cards. The TRCs were invalidated during the election in 2015, which took away their right to vote. The National Verification Cards (NVC) are the latest form of the document provided to the Rohingya, a document that does not recognize their citizenship status.

It is obvious today that Rohingya have been facing several problems both outside Myanmar and inside Myanmar including villages burned, soldiers shooting randomly on the streets, people disappearing for failing to pay bribes, and systematic persecutions in Rakhine. The fact that nationality is based upon ethnicity restricts basic rights such as the right to health, education and political participation.

Under the framework of the tripartite agreement, the citizenship status and rights of refugees were the central focus. One of the main drawbacks of the MoU is that "returnees will enjoy the same freedom of movement as all other Myanmar nationals in Rakhine State, in conformity with existing laws and regulations"[3] but does not ensure any freedom of movement outside the Rakhine State.

The persecution of this ethnic group since 1982 in combination with the widespread and systematic criminal acts committed against them since 2012 fulfil the elements of genocide as defined by the Rome Statute of the International Criminal Court and the Convention on the Prevention and Punishment of the Crime of Genocide. Namely, killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Conclusion

The MoU and the agreement between Myanmar and Bangladesh overlook the violations and atrocities committed against the Rohingya, without which the "voluntary and safe" return of refugees can never be achieved. The rise of religious intolerance and persecution led to mass displacement of Rohingya and the biggest refugee crisis in the world. The UN calls the atrocities in the Rakhine State as "textbook example of ethnic cleansing". The violence and the human rights abuses committed against the Rohingya would be inevitable if the government of Myanmar does not recognize Rohingya as its citizens. This is the first step to broker peace in the country. The recognition of Rohingya as citizens of Myanmar would also ensure the voluntary return of the refugees.

Recommendations

To the Myanmar Government:

- To dismantle the discriminatory laws, policies, and practices against the Rohingya.
- To ensure the safe return of Rohingya refugees and IDPs by recognising and granting citizenship status to all Rohingya.
- To ensure the safe access across the border of the Rakhine State to Rohingya.
- To work with the UN Fact-Finding Mission (FFM) and allow access to the High Commissioner, the Special Rapporteur, and the Commission on Inquiry to the Rakhine State.
- To comply with the standards of International Law and International Human Rights Law and International Humanitarian Law.
- Myanmar troops should respect the Rule of Law and halt the violence.

To the Human Rights Council:

- To ensure the implementation of the Tripartite MoU between the Myanmar government and the UN agencies.
- To call on the international community for their support to end the atrocities committed against the Rohingya by pressuring Myanmar to abide by its international obligations and responsibilities.
- If the above joint efforts fail, to refer the issue to the Security Council in order to take actions based on Chapter VII of the Charter to restore peace and security and to protect the Rohingya minority.

[3] McPherson, Poppy, and Zeba Siddiqui. "Secret U.N.-Myanmar deal on Rohingya offers no guarantees on...". *U.S.*, 2018. Online. Internet. 10 Aug. 2018. . Available: https://www.reuters.com/article/us-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUSKBN1JP2PF.

**Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussells Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGOs without consultative status, also share the views expressed in this statement.

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Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by the Sikh Human Rights Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Towards a Declaration on Diversity

39th Session of the Human Rights Council (10 - 28 September 2018)

Towards a declaration on diversity

At the World Conference Against Racism 2001 in Durban, the Sikh Human Rights Group suggested that the world needs to move beyond the issue of discrimination and promote diversity as a natural phenomenon of life, and to include it as State policy. We support the mechanisms under Agenda 9 (Racism, Racial Discrimination, Xenophobia and related Intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.

They are necessary to combat Racism, Xenophobia and Related Intolerances. However there is also a need to look at positive approaches to diversity by seeking to promote it through best practices and encouraging States to commit to promoting diversity as a norm.

We propose that the Human Rights Council consider promoting a comprehensive Declaration on Diversity which will be wide ranging, promoting inclusiveness and positive action in areas such as but not limited to race, ethnicity, cultural, religious, lifestyle, gender, disability, age, political thought, linguistics, environment and biodiversity.

Currently the Conventions and Treaties are based on rights claimed under an ideal set of norms. Individuals and communities have to assert those rights. They often have to go through a political and legal process to ensure their rights are respected and protected by the State. Under this dynamics, there are those who have the power to grant and respect the rights of others and there are those who are dependent on potential abusers refraining from abuse. If those with the power to abuse do violate rights, then redress has to be sought through legal or political means and make abusers powerless from further abusing.

Rights however are the building blocks of equality, respect and dignity in the modern age. Rights are fundamental to the institution of State and its obligation to the individuals. Nevertheless this can be strengthened by affirmative action.

An additional, different and positive approaches can compliment and strengthen fundamental rights and the various international treaties. A Declaration on Diversity inclusive of the different rights can encourage States to sign up to some or all of its aspects with intentions to adopt best practices and affirmative action to promote diversity.

A Declaration will encourage States to interpret diversity as a positive phenomenon rather than an obligation met reluctantly or having diversity promoted only by political and legal challenges. It will also enable the State to diffuse the parochial and xenophobic tendencies sometimes present in populist politics.

A Declaration is not binding, hence it will have a gradual, accumulative and reformative purpose without the State feeling defensive. We often see that when States are challenged on diversity from a human rights perspective, they tend to deny abuses or lack of rights rather than accept it as a problem to be redressed.

In taking this forward, we will urge OHCHR together with other UN bodies to set up a small task team that will pull together best practices, approaches and policy initiatives that States can adopt.

It can be argued that there are already Declarations on Cultural Diversity, such UNESCO Universal Declaration on Cultural Diversity, the UN Millennium Declaration incorporating Human Rights and Cultural Diversity. The Declaration being proposed is however more comprehensive and builds on the principles and areas of human rights binding race, culture, political pluralism, religion, gender, sexuality and so on, together.

In this and subsequent meetings we hope to encourage a debate on this so diversity becomes a norm rather than a political issue.

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Written statement* submitted by First Modern Agro. Tools - Common Initiative Group (FI.MO.AT.C.I.G), a non-governmental organization in special consultative status

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Please recycle

"De facto" statelessness of the anglophone Linguistic Minority in Cameroon

The main contention in the Anglophone regions of Cameroon lies with the nationalities of the Anglophone linguistic minority in Cameroon, which is ineffective. Anglophone nationals or names in Cameroon are easily identified in government offices and their dossiers treated by the majority francophone government officials like second class citizens at the public service, the military, recruitments in government and nominations to positions in government.

The law is clear and impartial but those in position of authority are mainly the francophone majority in Cameroon who do not follow the letter of the law.

In public life Anglophones are marginalized and discriminated by the majority francophone government officials to the highest level in government. This is evident in the gradual eradication of the English culture in the Anglophone regions of Cameroon, such as the eradication of the Anglo-Saxon system of education and the common law.

A francophone minister has likened the union between the Anglophones and the francophone people in Cameroon to a cube of sugar that is dropped in a basin of water. Ministers have also claimed an Anglophone is not fit to rule the country. This is not politics but marginalization.

The application of nationality laws on the Anglophone linguistic minority in Cameroon is partial, competent Anglophone officials are not allowed to work in their own regions, instead incompetent colonial francophone authorities are employed in the Anglophone regions of Cameroon. They do not master the common law of the Anglophone linguistic minority and these usually lead many Anglophone nationals into problems with the police and civil administrators.

Cameroonian nationality is granted based on links through families or through territory, place of birth, parents who are Cameroonians and habitual resident in Cameroon, it is the practical aspect on how the Anglophone linguistic minority is treated that is important.

In trying to bring out the root causes of the statelessness in the Anglophone regions of Cameroon and the specific conditions or barriers that result to the statelessness of the Anglophone linguistic minority in Cameroon we would like to briefly say that the root causes of the Anglophone linguistic minority in Cameroon is the referendum or independence of 1961 where west Cameroonians or Anglophone linguistic minority were not permitted to achieve self-independence, followed by a unilateral change of a referral decision in 1972. The two-state federation of francophone people and the Anglophones in Cameroon was unilaterally changed to a republic of Cameroon to the detriment of the Anglophone linguistic minority.

Moreover the centralized nature of Cameroonian unitary state makes things more difficult for Anglophones when they must travel far to the central region for official follow up of documents. Resources in the local community in the Anglophone regions of Cameroon are controlled by the central government. This is unacceptable. This problem is further compounded by the long term 37-year rule of sit-tight president Paul BIYA.

The Anglophone crises in Cameroon have proven beyond all reasonable doubts that the Anglophone linguistic minority in Cameroon have a serious problem. 160,000 refugees are in Nigeria, thousands have lost their lives, homes and public buildings have been burnt down, crops are destroyed mainly by the military. Government officials and others have been kidnapped; thousands of people are missing while others are in prison, the Cameroonian government has chosen war instead of inclusive dialogues to solve the Anglophone crises, salaries of workers of the second employer in the country (CDC) situated in the Anglophone regions of Cameroon have not been paid for the last three months; this is to punish the Anglophone linguistic minority for revolting. Guinness products have been withdrawn from the Anglophone regions of Cameroon and unwanted brasseries products imposed on the Anglophone linguistic minority. It is important to note that ending the crises without solving the Anglophone problem is meaningless, because the crises would arise again in the coming years even if the government uses the gun to end them today.

Many have recommended several solutions to the Anglophone linguistic minority "de facto statelessness" including:

-Cessation or separation of southern Cameroon from la republic du Cameroon.
-The re-establishment of a two-state federation.
-Permitting an Anglophone also become head of state in Cameroon.
-Compensation of Anglophones with something for not asking a third question at independence and for the unilateral change of a referral decision at the detriment of the Anglophone linguistic minority.

-The employment of pure English speaking Cameroonians in the Anglophone regions of Cameroon just with a few French speaking Cameroonians. French speaking Cameroonians should not dominate in the Anglophone regions of Cameroon.
-The re-establishment of an Anglo-Saxon system and culture in all aspect in the Anglophone regions of Cameroon.

-The best solution remains for President Paul BIYA to step down after 37-years of his rule. If President Paul BIYA refuses to step down, then he should be militarily removed by the joint military action with France, the United Kingdom and the United States of America at the front. The best time for this to happen is now, to pave the way for free and fair presidential elections in less than two months from now (October this year 2018).

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Humanitarian Disaster in Yemen

On March 25, 2015 Military invasion to the people of Yemen by the name of "Decisive Storm" started in such a way that thousands of civilians were killed and injured. It can be regarded as "War Crime" and hence is labeled as an international concern as well as a neglected human tragedy.

The Saudi -led intervention to Yemen, has imposed a lot of problems on Yemenis, lack of humanitarian assistance, safe drinking water and sanitation, medical supplies, fuel, rescuer and other supplies, and destruction of infrastructure.
Saudi Arabia, as UN member state, should regard those principles provided in UN charter as well as other international regulation, like " principle of no use of force, principle of respect to the territorial integrity and principle of respect to the self-determination", since not regarding such cases would amount to a threat to the peace and security of the world.
Use of heavy weapons, cluster bombs in particular, due to their wide and casual effect and also its long term dangers on civilians is prohibited according to The Convention on Cluster Munitions (CCM).

United Nations, according its charter, is obliged "to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". Hence, after more than 10 months of Saudi Arabia's illegal aggression to Yemen while not stopping the war for humanitarian assistance indicates a weakness in application of responsibility and the apparent negligence towards the human rights affairs of Yemen by UN and relevant Human Rights Organizations.

ADVT declares that humanitarian situation in Yemen is catastrophic; hence the Yemenis are in drastic need to be seriously protected by the United Nations. It is critical that the all parties to the conflict and all members of the international community push for an immediate and permanent ceasefire, so that vital humanitarian assistance can be delivered to people in Yemen.

We call on UN to send a fact-finding group to Yemen in collaboration with active NGOs to report on state terrorism and war crimes and proceed in ICC.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

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Slavery in the Contemporary Era

Although slavery dates back to a very long time when human beings exploited other human beings for power or wealth and the abhorrent practice was prevalent in human society as a reasonable act, it was abolished in the course of time. Unfortunately, contemporary slavery has exploited a large number of people and is practiced in an even worse way. In the traditional form of slavery, there was hope that slaves would find a better situation or become liberated when they were bought and sold, but in the new form which is practiced by the terrorist groups, there is no hope for liberation, and such victims are doomed to live as slaves forever and fully obey the commands in this structure.

The remarks of those defected from these terrorist cults, who have succeeded in liberating themselves from this form of slavery with great difficulty, testify to the fact that the slaves of such cults do not have the right to comment, choose their work, food, clothes, personal lifestyle or emotional interests and whatever the ringleaders of the organization decide, they must accept like slaves unconditionally; and if they resist, they will face imprisonment, torture or even death.

Welcoming the report of the Special Rapporteur on the Contemporary Forms of Slavery, we draw the attention of the United Nations Human Rights Council and the international community to the looming danger of a return to the classical and traditional forms of slavery in terms of recruiting and kidnapping by terrorist groups such as ISIS, Boko Haram and MKO. And we call for serious efforts in helping these people be released from the terrorist groups and cults.

The Association for Defending Victims of Terrorism (ADVT) calls on the UN to appoint a representative to report on this disastrous and inhumane behavior and take necessary measures in liberating thousands of people enslaved by those who promote terrorism and violence. It is also recommended that public opinion be enlightened on this score.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Il Cenacolo, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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The deteriorating human rights situation in Cuba

Il Cenacolo is deeply concerned by the worsening human rights situation in Cuba.

Cuban women, members of the Ladies in White, continue to be regularly detained and physically assaulted when they exercise their right to freedom of assembly and freedom of expression marching for the release of all political prisoners, and the respect for human rights.

The Cuban Commission of Human Rights and National Reconciliation reported in June 2018 that there were 120 identified political prisoners in Cuba with some the longest serving in the Western Hemisphere. Twenty one of them have served between 15 and 27 years in prison. There are new prisoners of conscience being added to that list today in Cuba. Here we will focus on two cases.

Dr Ariel Ruiz Urquiola, a former university professor and an environmental activist, was arrested on May 3, 2018 and sentenced in Cuba to one-year imprisonment for contempt when he asked two forest rangers to show him their identification. The officials left the area and later in the evening three police officers came with a warrant, arrested and took Ariel to the police Station in Viñales. On May 8, 2018 he was sentenced to one year in prison by the Municipal Court of Viñales. It is important to recall that the Cuban legal system is not idependent but subordinate to the legislative and executive branches that both under the rule of Raul Castro, head of the Cuban Communist Party. Omara Urquiola, sister of Ariel, informed Amnesty International "that prison officials threatened her to stop speaking with the international press or they would suspend Ariel's visits and communication with his family." Following a hunger and thirst strike and international scrutiny, Ariel was released with an extra-penal license and his legal status remains unclear.

Eduardo Cardet Concepción is a Cuban physician, human rights defender, and national coordinator of the Christian Liberation Movement (MCL). He joined the MCL then headed by Oswaldo Payá Sardiñas in the early 2000s. Eduardo was an active participant in various MCL initiatives aimed at achieving a nonviolent transition to democracy in Cuba. He was a manager of the Varela Project, the Heredia Project, The Peoples Path and One Cuban, One Vote. Cardet held various responsibilities within the organization and was a member of the movement's coordinating council.

Following the extrajudicial killing of Oswaldo Payá and Harold Cepero on July 22, 2012, the Christian Liberation Movement restructured its leadership and Eduardo Cardet was appointed national coordinator of the movement in November of 2014.

Due to his opposition activity Eduardo Cardet has been arbitrarily detained on several occasions. The last time he was taken prisoner by the Cuban political police was on November 30, 2016, shortly after the death of Fidel Castro. The MCL has denounced that on that occasion he was also badly beaten by Castro's state security agents. The beatings continued following his arrest in the detention center.

On January 31, 2017 Amnesty International issued an urgent action and recognized Eduardo Cardet as a prisoner of conscience. Despite this status and the call for his immediate release, Cardet was sentenced to three years in prison on March 20, 2017 following a show trial in Cuba.

Nine months later he was badly beaten, struck in the head, and stabbed twice by prisoners in the stomach with a sharp object on December 19, 2017 in what appears to have been a politically motivated attack engineered by prison officials.

Members of the Christian Liberation Movement, on April 5, 2018, attempted to turn in a petition signed by 10,000 Cubans and they were detained for 24 hours and the signatures seized by the political police. There are fears that those who signed will be persecuted.

Prison officials suspended visits for six months and his family denounced the measure. Yaimaris Vecino, the wife of Eduardo Cardet protested:
"Today, May 26, [2018] we went to the prison in Cuba Si, it was the visit that Eduardo's mother, his sister, my children and I scheduled, and they prevented us from seeing him, the prison authorities alleging that Eduardo has given "false information" that according to them, the family is spreading and in retaliation suspended visits for six months."

Yaimaris went on to say that *"this is a new arbitrariness against Eduardo and I seriously fear for his physical integrity."*

Eduardo was last able to speak with his family on July 28, 2018 over the phone. On August 15, 2018 it was learned that Eduardo Cardet would not be able to make or receive calls during two months. This is an additional punishment on top of the six month prohibition of framily visits.

Eduardo Cardet Concepción was born in Holguin, Cuba on October 25, 1968. He is married to Yaimaris Vecino with two young children, worked as a family doctor at the health center in the town of Velasco in Holguín province.

Il Cenacolo would like to call attention to the harassment, death threats, and attacks carried out against Sirley Avila Leon by government agents. The violence escalated until on May 24, 2015 Osmany Carriòn attacked her with a machete severing her left hand, nearly severing her right arm, and cutting into her knees leaving her to die. Lack of adecuate medical treatment left her a complete invalid, and she had to leave to Miami on March 8, 2016 to obtain medical care and regain the ability to walk. She returned to Cuba six months later on September 7, 2016 to find her home occupied, her attacker free and still threatening to harm her, and within hours a camera and microphone were placed on a post across the street from her mother's home. Death threats intensified and Sirley Avila Leon fled Cuba and requessted political asylum on October 28, 2016.

Il Cenacolo is also deeply worried by Cuba's downplaying of racism in the island. The UN Committee on the Elimination of All Forms of Racial Discrimination (UN-CERD) met in Geneva on August 15, 2018 to examine racism in Cuba. The Cuban government representative testified before the Committee that "racial discrimination is not a generalized problem in Cuba, there has been just one complaint of discrimination. Measures were taken: the perpetrator was sanctioned and the victim seemed satisfied. There are very few isolated cases." The government also claimed that there are no racial majorities or minorities despite recognizing that 64% of Cubans identify as white and 9% as black.

Meanwhile human rights defenders Juan Antonio Madrazo and Norberto Mesa, both of whom are Cubans of African descent, who were to attend the same UN-CERD session were detained arbitrarily and banned by the Cuban government from traveling there to address the question of racism in Cuba.

Finally, the Cuban government told the UN-CERD that human rights defenders in Cuba face no limitations to exercise their activities. The diplomats assured that there have been no reprisals or harassment of activists. Sadly, the facts say otherwise.

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Agenda item 6
Universal periodic review

Written statement* submitted by Il Cenacolo, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Item 6 – Universal Periodic Review (Cuba)

With regard to the Universal Periodic Review held on May 16, 2018, Il Cenacolo regrets that the government of Cuba missed yet another opportunity to show its commitment to address key human rights issues.

Despite the rhetoric of change in Cuba, the reality remains that Cuba is a dynastic State that systematically violates international human rights standards.

There is no independent national human rights institution in Cuba. Cuba's courts remain subordinated to the National Assembly and the Council of State that are dominated and directed by Raul Castro.

Despite great fanfare in 2008 when the Cuban government signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, a decade later and they have still not been ratified.

Nor has the Cuban government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Students who hold political and religious views contrary to the State are denied access to education or are expelled once they are discovered. Three high profile cases were documented in 2017.

Twenty year old student, Felix Yuniel Llerena Lopez, was expelled from the Enrique Jose Varona Pedagogical University in Havana on May 8, 2017 after he attended workshops on democracy at the University of Miami in Florida. Felix is a regional coordinator of the Patmos Institute that defends religious freedoms and human rights and a promoter of the CubaDecide initiative, which seeks a Cuban plebiscite.

Eighteen year old journalism student, Karla Perez Gonzalez, was expelled from Marta Abreu University of Santa Clara for "political reasons" on April 12, 2017. She is a member of Somos+ (We are more), a moderate dissident youth movement.

Twenty four year old David Mauri Cardoso was expelled from the University of Cienfuegos in February of 2017 after he honestly answered politically loaded questions in what was supposed to be a Spanish literature exam.

Political dissent is also still punishable by prison, and in recent years extreme violence has been visited on dissenters. There are over one hundred political prisoners today in Cuba.

The case of Eduardo Cardet Concepción is an example of how peaceful dissent is punished. Dr. Cardet is married with two children, he was a medical doctor at the health center in the town of Velasco in Holguín province, focusing on family care. In 2013 he was expelled from his work in retaliation for his opposition activity.

He is a member of the Christian Liberation Movement (MCL) that seeks a democratic opening in Cuba using nonviolent means and working within existing legal structures.

Protests over this punishment and popular support led to Eduardo Cardet's reinstatement to his old job.

Following the extrajudicial killing of the founding leader of the Christian Liberation Movement, Oswaldo Payá and its youth leader, Harold Cepero, on July 22, 2012, the movement restructured its leadership and Eduardo Cardet was appointed national coordinator in November of 2014.

The repression ramped up against Doctor Cardet when he succeeded Oswaldo Payá as head of the Christian Liberation Movement. Dr. Cardet was arrested on November 30, 2016 after returning from an overseas trip, beaten up by the secret police in front of his wife and two small children. Since that day he has suffered other beatings. Amnesty International recognized him as a prisoner of conscience.

On March 20, 2017 in a summary and politicized trial, Eduardo Cardet was sentenced to three years in prison.

Cardet was stabbed by prisoners on December 19, 2017. On May 26, 2018 his family was told that their visiting rights were suspended for six months in reprisal for the family's activism on his case. Prison authorities have suspended phone calls for two months in addition to the denial of family visits, and he has not been heard from since July 28, 2018.

His crime: speaking negatively of the legacy of Fidel Castro in Cuba and advocating for Cubans to reclaim their sovereignty in a restored democratic order through nonviolent means.

Not all repression leads to prison.

Sirley Ávila León was a delegate to the Municipal Assembly of People's Power in Cuba from June 2005, for the rural area of Limones until 2012 when the authorities gerrymandered her district out of existence. The Cuban government removed her from her position because she had fought to reopen a school in her district, but been ignored by official channels and had reached out to international media. Her son, Yoerlis Peña Ávila, who had an 18 year distinguished career in the Cuban military was forced out when he refused to declare his mother insane and have her committed to a psychiatric facility.

Sirley joined the ranks of the democratic opposition and repression against her increased dramatically. On May 24, 2015 she was the victim of a brutal machete attack carried out by Osmany Carriòn, with the complicit assistance of his wife, that led to the loss of her left hand, right upper arm nearly severed, and knees slashed into leaving her crippled. Following the attack she did not receive adequate medical care and was told quietly by medical doctors in Cuba that if she wanted to get better that she would need to leave the country.

On March 8, 2016 she arrived in Miami and began a course of treatments over the next six months during which she was able to walk once again although still limited due to her injuries. She returned to Cuba on September 7, 2016 only to find her home occupied by strangers and her attacker free and bragging that he would finish the job. She moved in with her mother and within a short time a camera and microphone were set up across from her mother's home on a post.

Threats against Sirley's life intensified leading her to flee Cuba to the United States and request political asylum on October 28, 2016. Still the threats did not end and family members were threatened.

Her son, Yoerlis Peña Ávila on March 15, 2017 received a death threat against him and his grandmother, Sirley Leon Aguilera, for being family (son and mother respectively) of Sirley Avila Leon, who was the victim of a May 24, 2015 machete attack carried out by a state security collaborator that left her permanently disabled. The threat is in response to her legal demand presented to recover 126,000 Cuban pesos ($4,754) in damages resulting from the attack.

On March 15, 2017 Yoerlis was able to send an e-mail to his mother that described what had happened that same day: "I was working and a man that I do not know told me that it was better that the legal demand not be continued because you did not know the risk in which you were exposing me and my grandmother that for you to suffer they could attack us."

Four days earlier on March 11, 2017 Sirley Avila Leon had contacted her son, and again on March 13th on both occasions they discussed the legal action being pursued, but then found it increasingly difficult to communicate.

There is good reason to be concerned with this pattern of threats and harassment. Over a three year period (2012 - 2015) government agents made a series of threats and took actions that culminated in the attempted murder of Sirley Avila Leon on May 24, 2015.

Another round of threats and harassment when she returned to Cuba on September 7, 2016 following medical treatment in Miami led to her decision to leave Cuba on October 28, 2016 and request asylum in the United States when death threats against her person escalated and her attacker, Osmany Carriòn, was free and making threats.

The five cases highlighted in this statement reflect the continuing and systemic challenges that human rights defenders and pro-democracy activists face in order to have a legal and safe presence in Cuba to work for change.